

ORP DET ORD (1/15/16)

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Case No. **3:16-cr-00051-BR-13**

v.

**David Lee Fry**ORDER OF DETENTION AFTER HEARING (18  
USC § 3142(i))

- ☒ On motion of the Government involving an alleged:
- ☒ risk to the safety of any other person or the community for cases involving crimes described in 18 USC § 3142(f)(1)
  - ☒ serious risk defendant will flee;
  - ☐ serious risk defendant will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate a prospective witness or juror or attempt to do so,
- ☐ Upon consideration by the court *sua sponte* involving a:
- ☐ serious risk defendant will flee;
  - ☐ serious risk defendant will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate a prospective witness or juror or attempt to do so,

Having considered the nature and circumstances of the offense charged, the weight of evidence against the defendant, the history and characteristics of the defendant, and the nature and seriousness of the danger to any person and to the community that would be posed by the defendant's release, the court finds that:

☐ The offense charged creates a rebuttable presumption in 18 USC § 3142(e) that no combination of conditions will reasonably assure the safety of the community.

- ☒ No condition or combination of conditions will reasonably assure the appearance of defendant as required due to:
- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Foreign citizenship and/or illegal alien   | <input type="checkbox"/> In custody/serving sentence           | <input checked="" type="checkbox"/> Substance use/abuse           |
| <input type="checkbox"/> ICE Detainer   | <input type="checkbox"/> Outstanding warrant(s)                | <input type="checkbox"/> Unknown family/employment/community ties |
| <input type="checkbox"/> Deportation(s)   | <input checked="" type="checkbox"/> Prior failure(s) to appear | <input type="checkbox"/> Unstable/no residence available          |
| <input type="checkbox"/> Multiple or false identifiers  | <input checked="" type="checkbox"/> Mental health issues       | <input type="checkbox"/> Information unverified/unverifiable      |
| <input type="checkbox"/> Aliases  |  |   |
| <input checked="" type="checkbox"/> Prior criminal history, <input checked="" type="checkbox"/> including drug/drug related offense, <input type="checkbox"/> including alcohol/alcohol related offense |  |   |
| <input type="checkbox"/> Prior supervision failure(s), <input type="checkbox"/> including illicit drug use, <input type="checkbox"/> including alcohol abuse  |  |   |
| <input checked="" type="checkbox"/> Other: <i>nature of charged offense; on probation at time of offense</i>  |  |   |

- ☒ No condition or combination of conditions will reasonably assure the safety of other persons and the community due to:
- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Nature of offense  | <input type="checkbox"/> Prior supervision failures                                 |
| <input checked="" type="checkbox"/> Arrest behavior  | <input checked="" type="checkbox"/> Substance use/abuse                             |
| <input checked="" type="checkbox"/> Possession of weapon(s)  | <input checked="" type="checkbox"/> Mental health issues                            |
| <input checked="" type="checkbox"/> Violent behavior   | <input type="checkbox"/> Alleged offense involves child pornography on the internet |
| <input checked="" type="checkbox"/> Prior criminal history, <input checked="" type="checkbox"/> including drug/drug related offense, | <input type="checkbox"/> including alcohol/alcohol related offense                  |
| <input type="checkbox"/> Prior supervision failure(s), <input type="checkbox"/> including illicit drug use,                          | <input type="checkbox"/> including alcohol abuse                                    |
| <input checked="" type="checkbox"/> Other: <i>on probation at time of offense</i>  |   |

☐ Other (writ/serving federal or state sentence): \_\_\_\_\_

☐ Defendant has not rebutted by sufficient evidence to the contrary the presumption provided in 18 USC § 3142(e).

☐ The defendant is detained without prejudice to further review by the court at a later date.

**THEREFORE, IT IS ORDERED that:**

1. Defendant is detained prior to trial;
2. Defendant is committed to the custody of the Attorney General for confinement in a corrections facility separated, as far as practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
3. Defendant shall be afforded a reasonable opportunity for private consultation with his counsel;
4. The superintendent of the corrections facility in which defendant is confined shall make the defendant available to the United States Marshal for the purpose of appearance in connection with any court proceeding.

DATED: *March 4, 2016*

*David F. Beckerman*  
United States Magistrate Judge